

# 1712 GEORGIA



**BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR  
WEDNESDAY, OCTOBER 31, 2012**

**ENVIRONMENTAL SERVICES DEPARTMENT  
CODE COMPLIANCE DIVISION**

**MEMORANDUM  
October 9, 2012**

**TO:** The Honorable Chairman and Board Members

**THROUGH:** Kurt Fenstermacher, Deputy Director, Environmental Services Department

**FROM:** Bill Stern, Deputy Building Official

**SUBJECT:** 1712 Georgia Place, El Paso, Texas 79902

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on August 28, 2012 the structure was found in an advanced state of disrepair and occupied. According to Central Appraisal records this single family dwelling was built in 1966, constructed of brick and wood frame and a wood framed roof. The garage was converted into an apartment without the required permits and does not meet minimum building codes. The walls are not properly fire rated due to holes and penetrations. The bedroom windows have bolted wrought iron guards which pose a safety hazard to the occupants. The plumbing, mechanical and electrical systems are inadequate and noncompliant. There are weeds, trash and debris throughout the property.
- 2) A certified condemnation letter was mailed to Manuel G. Cabrera.
- 3) Certified notices of the public hearing scheduled for October 31, 2012 were mailed to the owners and all interested parties on October 11, 2012.
- 4) As of October 9, 2012, \$7,066.05 in taxes is owed.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

- 1) That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure be vacated within thirty (30) days; and
- 6) That the structure be secured within thirty (30) days; and maintained secure until rehabilitated; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 8) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission, the City may take whatever action is necessary to bring the property into compliance and place a lien on the property for the work which will be done by the City.

Code Compliance Division  
August 30, 2012  
NOTICE OF VIOLATION

Manuel G. Cabrera  
1712 Georgia Place  
El Paso, TX 79902-2814

Re: 1712 Georgia Place  
Blk: 5 Richmar  
Lot: 6  
Zoned: R-4  
ENHS12-00770  
99 7199 9991 7030 7808 8504

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

**18.50.108.1 General.**

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

**18.50.108.1.1 Unsafe Structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**18.50.108.1.2 Unsafe Equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

### **18.50.108.1.3 Structure Unfit for Human Occupancy.**

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **1712 Georgia** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- b. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- c. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- d. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- e. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3 ]
- f. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5 ]
- g. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- h. The drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- i. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]

- j. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- k. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- l. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- m. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structure proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Nellie Avalos  
Building Inspector

## **NOTICE OF PUBLIC HEARING**

### **To all interested parties:**

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

**LOCATION:** El Paso City Hall, 2 Civic Center Plaza, Council Chamber, 2<sup>nd</sup> Floor, El Paso, Texas 79901

**DATE:** October 31, 2012

**TIME:** 5:30 p.m.

**PROPERTY:** 1712 GEORGIA PLACE, EL PASO, TEXAS also described as Lot 6, Block 5, an addition to the City of El Paso, being more particularly described in Volume 109, Deed Records, El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Manuel G. Cabrera, 1712 Georgia Place, TX 79902, is the owner, herein after referred to as the "Owner" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about August 28, 2012 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- b. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]

- c. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- d. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- e. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3 ]
- f. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5 ]
- g. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- h. The drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- i. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- j. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- k. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- l. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner fails to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws.

A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

**FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.**

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM  
CONTENT

APPROVED AS TO

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John R. Batoon  
Assistant City Attorney

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Bill Stern, C.B.O.  
Deputy Building Official  
Code Compliance Division



I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 1712 Georgia Place, El Paso, Texas was PUBLISHED in the official City newspaper on the day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 1712 Georgia Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Manuel G. Cabrera  
1712 Georgia Place  
El Paso, TX 79902-2814

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 1712 Georgia Place was HAND-DELIVERED to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, TX 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 1712 Georgia Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 1712 Georgia Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 1712 Georgia Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court  
500 E. San Antonio Avenue, Suite 703  
El Paso, Texas 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 1712 Georgia Place was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer  
Linebarger, Heard & Perez, LLP  
Attn: Bonnie Cooper  
221 N. Kansas Suite 1400  
El Paso, TX 79901

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice was POSTED at 1712 Georgia Place, El Paso, Texas.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspector: \_\_\_\_\_



# UNSAFE STRUCTURES REPORT

## CODE COMPLIANCE DIVISION

**DATE OF EXAMINATION:** October 17, 2012

**REP. DISTRICT:** 4

**ADDRESS:** 1712 Georgia Place, El Paso, Texas, 79902-2814

**ZONED:** R-4

**LEGAL DESCRIPTION:** Lot 1532, Block 66, Mountain View Addition

**OWNER:** Manuel C. Cabrera

**ADDRESS:** 1712 Georgia Place  
El Paso, Texas 79902

**BUILDING USE:** Single family dwelling

**TYPE OF CONSTRUCTION:** V

**FOOTINGS:** Concrete

**CONDITION:** Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** None

**CONDITION:** N/A

**FLOOR STRUCTURE:** Concrete with tile covering and some carpet covering.

**CONDITION:** Unable to determine condition.

**EXTERIOR WALLS:** Wood frame with brick and intermediate siding sections

**HEIGHT:** 10' - 12' +/-

**THICKNESS:** 6" - 8"

**CONDITION:** Poor. Brick walls contain several holes, break and cracks throughout due to lack of maintenance. A structural engineer should be hired to evaluate exterior brick veneer walls of the building and submit a report on corrections required to make the building safe and bring into code compliance.

**INTERIOR WALLS & CEILINGS:** Wood frame walls and ceilings covered with sheetrock.

**CONDITION:** Fair. Deterioration throughout is noted due to lack of maintenance. Walls and ceiling will require some repair and painting due to leaks and water damage. Some exposed plumbing system at bathroom.

**ROOF STRUCTURE:** Wood frame roof structure with composition shingles covering.

**CONDITION:** Poor. Deterioration throughout is noted due to lack of maintenance. A registered roofing contractor or building contractor should be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

**DOORS, WINDOWS, ETC.:** Wooden doors on wood frames and metal frame windows w/wrought iron guards.

**CONDITION:** Poor. The doors are deteriorated due to lack of maintenance and some windows are broken or missing glass and will need to be repaired or replaced so they are operational.

**MEANS OF EGRESS:** Does not meet code requirements.

**CONDITION:** Poor. Windows will need to be replaced or repaired to make them operational.

**PLUMBING:** Poor.

**CONDITION:** A licensed plumber should be hired to evaluate the condition of the plumbing system.

**ELECTRICAL:** Poor.

**CONDITION:** A licensed electrician should be hired to evaluate the condition of the electrical system.

**MECHANICAL:** Poor.

A licensed mechanical contractor should be hired to evaluate the condition of the mechanical system.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** At least 4

**WARNING POSTED:** Yes

**BARRICADED:** No

**POLICE AID REQD.:** No

**REMARKS:** The single family dwelling was constructed in 1966 of brick, wood framing and a wood framed roof w/shingle covering. The structure was found in an advanced state of disrepair, the exterior shows signs of deterioration. The brick walls contain cracks and holes throughout the structure. The roof is in disrepair throughout, the fascia board and flashing is deteriorated and paint on all wood has also deteriorated, all due to lack of maintenance. There is trash, weeds and debris throughout the property. This property can be rehabilitated. The department recommends that the property be vacated and secured within thirty (30) days and the property cleaned of all weeds, trash and debris within thirty (30) days.

Nellie Avalos

**Building Inspector**

Appraisal & Collection Technologies - EL PASO

Oracle

Action Edit Query Record Field Help Entitlements Accounts Statements Window

Account Status

Prev. Acc... Next Acc... Prev. Owner Next Owner Acct History Acct Summary Notes

Go To:

EVAR ACT8006 v1.225

ACCOUNT NO(R43999900505600): PAID PAYMENT AGREEMENT #63654. BEGIN DATE: 10/15/2010, END DATE: 06/15/2011, MONTHLY PAYMENT AMOUNT: \$1,201.65, NO OF

10/10/2012 12:13: ACTEP

STATUS DETAIL

Expand Fees

Summary

Account Information

Account No. R439-999-0050-5600 Roll Code REAL PROPERTY

Certified Owner CABRERA MANUEL G

Parcel Address 1712 GEORGIA PL

Amount Due as of 10/10/2012 CAD No. 329400

Tax Units

Tax Unit Description

List of Tax Units

1 3 6 7 8 46 8001

AG INCLUDED Remove Fees Countywide

Tax Unit, Yr, Rec. Type

Tax Unit

Year

Rec. Type

Multi Select

Amount Due/Paid Information

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$140,679					\$3,669.93	\$0.00	\$0.00	\$3,669.93	\$0.00	\$0.00	\$3,669.93
2011	\$149,136					\$3,821.47	\$1,475.20	\$0.00	\$2,346.27	\$1,049.85	\$0.00	\$3,396.12
2010	\$149,136					\$3,790.37	\$3,790.37	\$0.00	\$0.00	\$1,666.94	\$0.00	\$0.00
2009	\$150,646					\$3,753.10	\$3,753.10	\$0.00	\$0.00	\$1,037.72	\$0.00	\$0.00
2008	\$148,112					\$3,773.99	\$3,773.99	\$0.00	\$0.00	\$2,371.87	\$0.00	\$0.00
2007	\$148,112					\$4,166.12	\$4,166.12	\$0.00	\$0.00	\$2,766.92	\$0.00	\$0.00
2006	\$122,985					\$3,559.45	\$3,559.45	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$107,470					\$3,355.66	\$3,355.66	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$97,502					\$3,028.60	\$3,028.60	\$0.00	\$0.00	\$2,710.00	\$0.00	\$0.00
Totals						\$55,949.45	\$49,933.25	\$0.00	\$6,016.20	\$44,398.48	\$0.00	\$7,066.05

Last Payment Date

Last Payer

Alert

11:13 AM

10/10/2012